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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 03-07-70347 BZ
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	CONTINUING THE PRELIMINARY
v.	)	HEARING AND EXCLUDING TIME
	)	
GERALDO RODRIGUES,	)	
	)	
Defendant.	)	
_____	)	

On January 16, 2008, when the parties last appeared on this matter, the Court set a further date of January 30, 2008 for a Preliminary Hearing / Arraignment. The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the January 30, 2008 calendar and be continued until March 7, 2008 and that time should be excluded from the Speedy Trial Act calculations from January 30, 2008 through March 7, 2008 for effective preparation of counsel. The parties are discussing pre-trial resolution of this matter and require additional time for defense counsel to review discovery and for the parties to engage in meaningful discussions. Further, counsel for the defendant does not believe that it is within his

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client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties represent that granting this continuance is necessary for effective preparation of counsel to permit defense counsel to review discovery and to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: January 25, 2008

/s/  
DENISE MARIE BARTON  
Assistant United States Attorney

DATED: January 25, 2008

/s/  
RONALD C. TYLER  
Attorney for GERALDO RODRIGUES

**IT IS SO ORDERED.**

For the reasons stated above, the Preliminary Hearing shall be removed from the January 30, 2008 calendar and be continued until March 7, 2008. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from January 30, 2008 through March 7, 2008 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

DATED: 1/28/08

  
HONORABLE ELIZABETH D. LAPORTE  
United States Magistrate Judge